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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,996	10/18/2001	Dorothea Kuettner	10011035	1545

7590 10/06/2006

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER	
BOYCE, ANDRE D	

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/045,996	KUETTNER ET AL.	
	Examiner	Art Unit	
	Andre Boyce	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 July 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 24, 2006 has been entered.

2. Claims 1, 8 and 15 have been amended. Claims 1-20 are pending.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adler (US 2002/0169658), in view of Lindell (USPN 6,622,056).

As per claim 8, Adler discloses a method for performing alternative supply chain analysis (i.e., strategy model and analysis tool, including a spreadsheet application that apply predefined macros, ¶ 0033) comprising the steps of: b) classifying and naming objects flowing through said supply chain (i.e., modeling environment specifies the information in terms of object model, comprising object classes, ¶ 0082); c) building a supply chain model (i.e.,

modeling industrial markets in terms of businesses broken down into buyer, seller, and trade categories, ¶ 0077) wherein said supply chain model is automatically built to have desired capabilities (i.e., an integrated set of dedicated strategy modeling and analysis including loading the models and scenarios into an application engine that dynamically simulates the behavior of the market, ¶ 0033); d) inputting data to said supply chain model to enable designing at least one supply chain scenario (i.e., sliders and windows that enable users to specify the domain, ¶ 0086 and plurality of scenarios 12, ¶ 0073); and, e) using said supply chain model for said designing of said at least one supply chain scenario (i.e., plurality of scenarios 12, ¶ 0073). Adler does not explicitly disclose classifying and naming nodes in a supply chain and building a supply chain model using said classifications and said names of said nodes and said objects. Lindell discloses the path from the point of origin to the point of consumption of goods in a supply chain comprising several nodes, including producers, wholesalers, and distributors (figure 1 and column 3, lines 37-42). Both Adler and Lindell are concerned with analyzing and modeling control of products in a supply network, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include classifying and naming nodes in Adler, as seen in Lindell, thus allowing the network to be applicable to supply chains of arbitrary length and levels, as disclosed in Lindell (column 4, lines 15-17), making the Adler system more robust and flexible.

As per claim 9, Adler does not disclose said nodes are classified as parts sources, internal demand nodes and terminal demand nodes. Lindell discloses the path from the point of origin to the point of consumption of goods in a supply chain comprising several nodes, including producers, wholesalers, and distributors (figure 1 and column 3, lines 37-42). Further, Lindell discloses a supplier means 31, connected to a customer means 32, connected to a customer's customer means 33 (column 4, lines 3-7). Both Adler and Lindell are concerned with analyzing and modeling control of products in a supply network, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include nodes classified as parts sources, internal demand nodes and terminal demand nodes in Adler, as seen in Lindell, thus allowing the network to be applicable to supply chains of arbitrary length and levels, as disclosed in Lindell (column 4, lines 15-17), making the Adler system more robust and flexible.

As per claim 10, Adler discloses said objects flowing through the supply chain are classified as products, product forms and parts (i.e., non-autonomous objects, including products and services, ¶ 0073).

As per claim 11, Adler discloses said supply chain scenario is designed using an interactive symbolic visual interface (i.e., GUI enabling users to control and monitor the system, ¶ 0085).

As per claim 12, Adler discloses said interactive symbolic visual interface comprises interactive node icons and interactive connection element icons (i.e., pixel icon representing buyer, seller, trader in display window, table 9).

As per claim 13, Adler does not disclose said interactive node icons represent parts sources, internal demand nodes and terminal demand nodes. Lindell discloses the path from the point of origin to the point of consumption of goods in a supply chain comprising several nodes, including producers, wholesalers, and distributors (figure 1 and column 3, lines 37-42). Further, Lindell discloses a supplier means 31, connected to a customer means 32, connected to a customer's customer means 33 (column 4, lines 3-7). Both Adler and Lindell are concerned with analyzing and modeling control of products in a supply network, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include nodes classified as parts sources, internal demand nodes and terminal demand nodes in Adler, as seen in Lindell, thus allowing the network to be applicable to supply chains of arbitrary length and levels, as disclosed in Lindell (column 4, lines 15-17), making the Adler system more robust and flexible.

As per claim 14, Adler discloses the scenario properties are altered using a visual display-pointing device in association with the icons (i.e., GUI is used to select the domain model, scenario and decision option to be loaded into the system, ¶ 0092).

As per claim 7, Adler discloses more than one supply chain (i.e., allowing businesses to adopt different roles with respect to trade items in different marketplaces, ¶ 0037).

Claims 1-6 and 15-20 are rejected based upon the rejection of claims 8-13, since they are the system and computer readable medium claims, respectively, corresponding to the method claims.

Response to Arguments

5. In the Remarks, Applicant argues that the provisional application (60/274,328) does not provide support for paragraphs 0073, 0077, 0082, and 0086. The Examiner respectfully disagrees. With respect to paragraph 0073, the Examiner relies on that paragraph to disclose a plurality of scenarios. Similarly, the provisional application discloses various scenarios (page 21, lines 3-6). With respect to paragraph 0077, the provisional application discloses modeling industrial markets (page 21, lines 22-23, page 22, lines 1-3). With respect to paragraph 0082, the provisional application discloses the model represented using an object-oriented modeling environment (pages 29-30). With respect to paragraph 0086, the provisional application discloses a GUI including control buttons and input settings (e.g., in the form of slide controls, page 67, lines 19-23).

With respect to claim 8, Applicant argues that neither Adler nor Lindell disclose building a supply chain model wherein said supply chain model is automatically built to have desired capabilities. The Examiner respectfully disagrees and submits that

Adler discloses an integrated set of dedicated strategy modeling and analysis including loading the models and scenarios into an application engine that dynamically (i.e., automatically) simulates the behavior of the market (¶ 0033), thus indeed disclosing said supply chain model is automatically built to have desired capabilities.

With respect to claim 1, Applicant argues that Adler teaches away from spreadsheets, for example in paragraph 0008, and therefore cannot teach or suggest a spreadsheet. In addition, Applicant argues that the office action failed to cite any portion of any reference against a spreadsheet application having a macro programming capability. The Examiner respectfully disagrees and submits that Adler discloses an integrated set of dedicated strategy modeling and analysis including importing information into a commercial spreadsheet package and applying predefined macros and standardized reports (¶ 0033).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (571) 272-6726. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

adb
September 25, 2006

ANDRE BOYCE
PATENT EXAMINER
A.U. 3623